

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 12953 of 2005

Between:

R. Ranganayakamma W/o. Late R. Nagalingappa
R/o. D.No. 17/88, Tilak Road Old Town, Ananthapur.

..... PETITIONER

A N D

1 Government Of Andhra Pradesh, Represented by its Principal

Secretary, Municipal Administration & Urban Development,

Department at Secretrait, Hyderabad.

2 The Commissioner, Ananthapur Municipality, at Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in not paying compensation to the petitioner in respect of land admeasuring Ac.0.50 cents in Sy.No.179/1 situated in Ananthapur Municipality as illegal and arbitrary by directing the respondents to forthwith pay due compensation to the petitioner in respect of the above land, calculated at present market value; Award costs and pass such other or further orders as are deemed fit and proper in the

circumstances of the case.

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondents: GP FOR MUNICIPAL ADMN. & URBAN DEV.

The Court at the stage of admission made the following: (order follows 2nd page)

ORDER :

This writ petition is filed seeking to declare the action of the respondents in not paying compensation to him in respect of land admeasuring Ac:0-50 cents in sy.no.179/1, situate at Ananthapur Municipality as illegal, arbitrary and direct the respondents to forthwith pay due compensation to the petitioner in respect of the above land, calculated at present market value, award costs and pass appropriate orders.

The case of the petitioner is that she is the owner of the land bearing survey no.179/1 admeasuring Acs:1-36 gts situate in Anantapur Municipality. In the year 1997 the Municipality has acquired Ac:0-50 cents of land of the petitioner for the purpose of widening 50 feet road leading from APSRTC bus stand to Gooty Road and for 50'-0" wide master plan road connecting 80'-0" wide master plan road to Sri Venkateswara Talkies Road.

It is submitted that when the aforesaid extent of land was acquired her husband was alive and though he raised objection for acquiring the same on the ground that the respondent-authorities have no right to acquire the said land. He made an application seeking to grant alternative site and when the proposal submitted by the Municipality, it was rejected.

It is further submitted that she made number of representations to the respondents apart from the representation made by her husband during his lifetime. On the basis of the representation made by her husband, the second respondent addressed a letter on 18-12-1997 to the first respondent. The Regional Deputy Director, Town Planning, made correspondence in ROC.No.1175/7/A5 dated 14-11-1997. Again he made correspondence to the first respondent in Lr.No.558/98/A dated 02-5-1998. Thereafter, the second respondent addressed to the first respondent in Rc.No.2699/97/G1 dated 28-3-1999. Except exchange of correspondence between the authorities, nothing concrete has been done and no compensation was paid till date. The petitioner made her representation on 6-12-1999, which did not evoke any response.

The petitioner submits that she is an old lady, having attained the age of 72 years, she did not have any source of income during the evening of her life time. The petitioner submits that the first respondent issued Memo No.18931/J2/2002-2/MA dated 14-12-2003 and directed permission for BRS relaxation and additional FSI to her, which is absolutely no use to her. She submits that the neighbouring land owners who also lost their lands like her in the formation of road were either paid compensation or allotted alternative sites.

The learned counsel appearing for the petitioner seeks to contend that having acquired the land of the petitioner for formation of road, the respondents cannot sleep over the matter without paying compensation or allot an alternative site and that apart the petitioner has no intention to make any construction on the remaining land and now granting of additional FSI is of no use to her.

The learned counsel for the petitioner submitted that in similarly placed persons, like Smt.K.Lakshmi Devi, alternative site was allotted vide GO.Ms.No.351, MA dated 16-7-2003, Smt.V.Bharathi, alternative site was allotted vide G.O.Ms.No.286 dated 18-4-1998. In respect of Sri A.Venkatanarayana, G.O.Ms.No.534, dated 03-10-1998 was issued. This apart, GO.Ms.No.412, MA, dated 7-9-2002 was issued and in case of Smt.B.Lakshmi Devi alternative site was allotted. Whereas coming to the case of the petitioner, the respondent-authorities are not taking any action either allotting alternative site or paying compensation. The matter is kept pending for extraneous considerations for the reasons best known to the respondent-authorities. The petitioner left with no other option except to invoke the inherent jurisdiction of this court under Article 226 of the Constitution of India seeking to direct the respondents either to pay compensation or allot alternative site.

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for Municipal Administration.

After hearing both sides, I deem it appropriate to direct the respondents to cause assessment of compensation to the extent of Ac:0-50 cents of land acquired by them in survey no.179/1 for the purpose of road widening by the Municipality and pay due compensation in accordance with the present market value for the extent, which the Municipality has acquired the land of the petitioner. The above exercise shall be completed within four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JUNE 17th, 2005. -----

I S L. ELIPE DHARMA RAO, J.

To

1 The Principal Secretary, Government Of Andhra Pradesh,

Municipal Administration & Urban Development,

Department at Secretrait, Hyderabad.

2 The Commissioner, Ananthapur Municipality, at Ananthapur.

3 Two C.Cs. to G.P. for Municipal Administration and Urban

Development, High Court Buildings, High Court of A.P., Hyderabad

(OUT)

4 Two CD Copies.

5 1 CC to MR.NEWTON

6. One CC to Mr.N.Sreedhar Reddy, Advocate, Bar Association,

High Court Buildings, Hyderabad.